

BOLTON BOARD OF APPEALS
Minutes of Meeting
February 11, 2008 at 7:00 p.m
Bolton Town Hall

Present: Gerard Ahearn, Brad Reed, Jacqueline Smith and Town Planner, Jennifer Atwood Burney

Not Present: Andy Kischitz and Kay Stoner

DISCUSSION

1. Sunset Ridge 40B – Wattaquodock Hill Road

Present: Vin Gately – President of Heritage Properties

Mr. Gately gave an overview to the Board on the Applicant's submittal and explained that he is not in the position to pull a building permit at this time but was submitting a full set of site plans and engineering plans to the Board with proposed changes detailed in Construction Plan.

- 1) relocation of intersection of roadway with Wattaquodock Hill Road 100 ft. north as shown on Amended Plan to address grading and elevation. Mr. Gately explained that by starting a higher point and lengthening the road it would reduce the slope to 9 degrees.
- 2) Relocation of building #13 due to grading. Gerard asked if the distance of the relocated building to the adjacent building was any less than on the preliminary plans and was concerned over fire safety. Vin stated that the distance between the relocated buildings was relatively the same as on the preliminary plans which did not account for engineering and didn't have the actual distances between buildings predetermined.
- 3) Relocation of public water supply wells.

Changes of any details of the Development as set forth in the Amended Plan, or as required by the terms of the Comprehensive Decision, must be handled pursuant to 760 CMR 31.03.

The Board of Appeals must determine if the submitted site plan dated 2/23/07 with revised road alignment 12/14/07 substantially conforms to the Amended Plan entitled "Preliminary Comprehensive Permit Application – Sunset Ridge" prepared by Ducharme & Dillis Civil Design Group, Inc., dated June 19, 2001, as revised on August 22, 2001, December 3, 2001, January 14, 2003, March 6, 2004, June 1, 2004, May 12, 2005 and October 4, 2005 (5 sheets) ("Amended Plan"). The Board must determine and notify the applicant whether to deem the change substantial or insubstantial. If the Board determines the changes are insubstantial it must notify the applicant. If the Board determines the changes are substantial the Board shall hold a public hearing.

The Board asked if the abutter issue is being addressed in regards to the proposed septic system and the abutter's drain pipe. Mr. Gately stated that DEP has recently approved the system and Nitsch Engineering was conducting a peer review of the plans submitted. The Board also discussed the Board of Health's requirement that construction not take place before a leaching field is in place. Mr. Gately stated that he was going to address this requirement with the Board of Health and didn't feel that the Board of Health could mandate this. Mr. Gately explained to

the Board that reserve areas were in place to accommodate any issues with the proposed leaching field.

The Board requested an extension to determine if the changes were substantial or insubstantial and to allow time for Nitsch Engineering to conduct a review. Mr. Gately granted this request. The Board and Mr. Gately agreed to continue the public meeting to Monday March 3, 2008 at 7:00pm.

OTHER BUSINESS

1. Regency Performance Bond

Present: Eric Carlson, P.E., Director of Land Development for Toll Brothers

The Regency at Bolton is requesting an Occupancy Permit for the sale of a unit. Certain Conditions must be met before this is granted:

1. Condition 14 of Comprehensive Permit: Performance guarantee (bond, surety, or tripartite agreement) for completion of on-site site improvements is required in the amount of 1-½ times of estimate for remaining work. The Board members were provided with a copy of:
 - Ducharme & Dillis submitted an estimate for remaining site work of \$161,512 (attached)
 - Rob Oliva conducted an assessment and suggest the bond amount of \$242,300 (attached)
 - Draft copy of Performance Guarantee attached. Reviewed by Town Counsel

2. Condition 19 of Comprehensive Permit: Provide maintenance contract for stormwater management & sanitary sewer systems. Eric provided the Board with the following:
 - Sanitary Sewer System

 - Storm water Management System provided by Eastland Excavation, Inc. who remains responsible for the drainage system maintenance through completion of construction under a contract with the Regency. And according to Carol Gumbart, Conservation Administrator, Conservation has the following items on file:
 - Erosion and Sediment Plan dated 6/3/05
 - Operation and Maintenance (post Construction) plan dated 6/7/05
 - EPA – Storm Water Pollution Prevention Plan dated 3/1/06

3. Condition 32 of the Comprehensive Permit requires that the Applicant pay \$2,000 to the Town for sale of each market rate unit. The Applicant will provide this prior to obtaining an Occupancy Permit.

The Board asked when the Homeowners become responsible for the maintenance plan in place. Eric stated that a Homeowners Association (HOA) is established once 80% of the units are sold.

The Board wants it noted that before any bond amount is released and Eastland Excavation, Inc. has completed their work that a maintenance plan be established and approved by the Board. The Board asked if the road was going to be public or private. Eric stated that all infrastructure would be private. The Board asked if the unit being sold was a market rate or affordable unit. Eric replied that the unit is a market rate unit.

A motion was made by Gerard Ahearn, seconded by Brad Reed to approve the Performance Bond agreement reviewed by Town Counsel in the amount of \$ 242,300 for a 2-year period from February 11, 2008.

Vote: 3/0/0

A motion was made by Brad Reed, seconded by Jacqueline Smith to allow Board Chairman, Gerard Ahearn, the authority to sign the Performance Bond on behalf of the Board of Appeals.

Vote: 3/0/0

NEXT MEETING

March 3, 2007 at 7:00p.m.

The meeting adjourned at 8:30p.m.

Minutes submitted by Town Planner Jennifer Atwood Burney